

ADDICTIVE DISORDER PRACTICE ACT
(La. R.S. 37:3386-3390.6)

§ 3386. Short title

This Chapter shall be known and may be cited as the “Addictive Disorders Practice Act”.

Acts 2004, No. 803, § 3, eff. July 8, 2004.

§ 3386.1. Definitions

As used in this Chapter, the following terms have the meaning ascribed to them in this Section:

(1) “Addiction counselor” means any person who is licensed, certified, or registered in accordance with the provisions of this Chapter and procedures established by the board and who, by means of his special knowledge acquired through formal education or practical experience, is qualified to provide addiction counseling services to those individuals afflicted with or suffering from an addictive disorder or certain co-occurring disorders. The counseling services provided shall be those which utilize KSA or core functions, as determined by the board to be appropriate for the addictive disorder or disorders presented.

(2) “Addictive disorder” means the repeated pathological use of substances including but not limited to alcohol, drugs, or tobacco, or repeated pathological compulsive behaviors including but not limited to gambling, which cause physical, psychological, emotional, economic, legal, social, or other harms to the individual afflicted with the addiction or to others affected by the individual's affliction. As used in this Chapter, “addictive disorder” shall include not only those instances where withdrawal from or tolerance to the substance or behaviors are present but also those instances involving use and abuse of substances.

(3) “Board” means the governing body of the Addictive Disorder Regulatory Authority.

(4) “Certified clinical supervisor” means any person holding the necessary credential of licensed, certified, or registered addiction counselor or any person who holds a specialty substance abuse credential in another professional discipline in a human services field at the master's level or higher; and who has satisfied the requirements established by the board to provide clinical supervision.

(5) “Client” means the individual, couple, family, group, organization, or community that seeks or receives addiction counseling services from the addiction professional or an addiction facility until discharged.

(6) “Clinical supervision” means the interpersonal tutorial relationship between a certified

clinical supervisor and other licensed, certified, or registered addiction counseling professionals centered on the goals of skill development and professional growth through learning and practicing. Through observation, evaluation, and feedback, clinical supervision enables the supervisee to acquire the competence needed to deliver effective patient care while fulfilling professional responsibility. Clinical supervision is understood to emphasize improvement of the counseling skills and effectiveness of the supervisee and is to be distinguished from administrative supervision.

(7) “Compulsive gambling counselor” means any person holding a necessary credential as a licensed, certified, or registered addiction counselor, or a necessary credential as a qualified mental health professional, who is certified by the board, in accordance with the provisions of this Chapter, as possessing special knowledge acquired through formal education and clinical experience and thus is qualified to provide gambling addiction counseling to persons who have a gambling addiction disorder or who exhibit gambling addictive behaviors.

(8) “Co-occurring disorder” means a disorder in which an individual has at least one psychiatric disorder as well as an addictive disorder. While these disorders may interact differently in any one person, at least one disorder of each type can be diagnosed independently of the other.

(9) “Core functions” means the screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, reports, and record-keeping activities associated with counseling and consultation with other credentialed professionals.

(10) “Counselor-in-training” means any person who has not yet met the qualification to become a licensed, certified, or registered counselor, but who has made application to the board in accordance with the provisions of this Chapter and procedures established by the board.

(11) “Custodial environment” means a setting created by a court system in which a person has been deprived of freedom of action in any significant way.

(12) “KSA” means the knowledge, skills, and attitudes designated by the board as being necessary for effective addiction counseling and required by the board to be utilized by addictive disorders counselors in providing addiction counseling services.

(13) “Prevention” means those activities and services that prevent, reduce, or stabilize the incidence of addictive disorders and thereby prevent, reduce, or stabilize the prevalence of addictive disorders. The activities contemplated by this definition include services to those at risk of developing an addictive disorder as well as those individuals who, though not necessarily at risk of developing an addictive disorder, are nonetheless appropriate for services. In addition, prevention shall be understood to include educational programs and activities that are designed to raise the awareness of and encourage healthy behaviors.

(14) “Prevention specialist-in-training” means any person who has not yet met the

qualifications to become a licensed, certified, or registered prevention professional, but who has made application to the board in accordance with the provisions of this Chapter and procedures established by the board.

(15) “Qualified mental health professional” means:

- (a) A psychiatrist licensed pursuant to R.S. 37:1261 et seq.
- (b) A psychologist licensed pursuant to R.S. 37:2351 et seq., or a medical psychologist licensed pursuant to R.S. 37:1360.51 et seq.
- (c) A licensed clinical social worker licensed pursuant to R.S. 37:2701 et seq.
- (d) A mental health counselor licensed pursuant to R.S. 37:1101 et seq.

(16) “Substance abuse disorder” means the repeated pathological use of drugs, including alcohol, which causes physical, psychological, economic, legal, or social harm to the individual user or to others affected by the user’s behavior.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2006, No. 427, § 2; Acts 2009, No. 251, § 8, eff. Jan. 1, 2010; Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3386.2. Addictive Disorder Regulatory Authority

A. The legislature hereby finds it appropriate that the responsibility and authority to regulate the practice of addictive disorder treatment and prevention be exercised by a licensing board created for that purpose.

B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created within the Louisiana Department of Health. The ADRA shall be governed by a board of directors, referred to hereafter in this Chapter as the “board”, consisting of eight voting members, all of whom shall be appointed by the governor, subject to Senate confirmation, as follows:

(1) One member who possesses significant knowledge in the area of addiction from a list of three names submitted by the Louisiana State Medical Society.

(2) One member who possesses significant experience and knowledge in the area of compulsive gambling from a list of three names submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.

(3) One member who possesses significant experience and knowledge in the area of prevention from a list of three names submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.

(4) One member who possesses significant experience and knowledge in the area of opiate replacement therapy from a list of three names submitted by the Louisiana Association of

Substance Abuse Counselors and Trainers, Inc.

(5) Three members from a list of nine names divided into three groups of three names each submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.

(6) One member who is a consumer selected from the state at large.

C. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. Members of the board shall serve three-year terms. Members appointed to fill vacancies caused by death, resignation, or removal shall serve the unexpired terms of their predecessors.

D. Members of the board may elect a chairman and such other officers as they deem necessary to carry out the duties and functions of the board. The Addictive Disorder Regulatory Authority may employ persons necessary to carry out the provisions of this Chapter and may fix their compensation. The authority shall employ at least three persons: an executive director, an assistant director, and an administrative assistant. Employees of the board shall be eligible to participate in the state group benefits plan and in the state retirement system.

E. A majority of the members of the board shall constitute a quorum for the transaction of all business.

F. (1) The consumer member of the board shall possess all of the following qualifications:

(a) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.

(b) Has attained the age of majority.

(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(d) Has never been convicted of a felony.

(e) Does not have and has never had a material financial interest in the healthcare profession.

(2) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.

G. It is the intent of the legislature that the board exercise all regulatory jurisdiction over the

credentialing and practice of addiction counselors, prevention professionals, persons holding specialty certifications issued by the board, paraprofessionals authorized by this Chapter, and those in training to become addiction counselors and prevention professionals.

R.S. 37:3389. Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2006, No. 427, § 2; Acts 2018, No. 206, § 3; Acts 2018, No. 515, § 2; Acts 2020, No. 328, § 2. Redesignated as R.S. 37:3386.2 by Acts 2020, No. 328, § 4(B).

§ 3386.3. Powers and duties of the Addictive Disorder Regulatory Authority

A. The Addictive Disorder Regulatory Authority shall:

(1) Establish and maintain minimum educational and experiential requirements in accordance with the provisions of this Chapter.

(2) Establish and maintain minimum standards of practice in accordance with those developed and accepted by the profession.

(3) Develop and promulgate rules for the approval, denial, and renewal of qualified candidates for professional credentials as well as for the revocation or suspension of credentials or the refusal to renew any credential or status authorized by this Chapter.

(4) Investigate complaints of illegal or unethical conduct or practices of those holding any professional credential or status authorized by this Chapter, or any candidate for same.

(5) Promulgate and publish rules and regulations for the purpose of administering the provisions of this Chapter.

(6) Conduct hearings on charges pursuant to the Administrative Procedure Act calling for disciplinary action against anyone holding a credential or status authorized by this Chapter.

(7) Adopt a code of ethics for those holding a credential or status authorized by this Chapter, which shall be no less stringent than those adopted by other healthcare professionals.

(8) Prescribe and adopt regulations, standards, procedures, and policies governing the manner and conditions under which credit shall be given by the board for participation in programs of education or experience, including programs of continuing professional education, such as the board may consider necessary.

(9) Maintain a complete roster of all those awarded a credential or status pursuant to the provisions of this Chapter.

(10) Adopt and promulgate rules, regulations, and standards for board approval of

institutions providing clinical training or education in areas pertaining to a credential or status governed by the provisions of this Chapter.

(11) Issue subpoenas to require attendance, testimony, and production of documents in the process of enforcing the provisions of this Chapter and board rules or in order to secure evidence or testimony pursuant to any investigation conducted in furtherance of the board's authority or responsibility as provided in this Chapter.

(12) Adopt and promulgate any rule, regulation, standard, or procedure necessary to carry out the provisions of this Chapter.

(13) Enter into any contract, including any professional services contract, related to its responsibilities in complying with this Chapter and other applicable state laws.

(14) On or before February first annually, submit a report to the governor, the secretary of the Louisiana Department of Health, and the House and Senate committees on health and welfare encompassing the financial and professional actions of the board. The report shall have the same form and content as prescribed by R.S. 49:1304(B).

(15) Adopt standards for supervision of registered and certified addiction counselors.

B. The board may do all of the following:

(1) Apply for all available and appropriate public and private grants from any source.

(2) Accept grants from public or private sources to be utilized for purposes of the board.

R.S. 37:3388.4. Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2. Redesignated as R.S. 37:3386.3 by Acts 2020, No. 328, § 4(A).

§ 3387. Licensed addiction counselor; scope of practice

A. (1) The practice of licensed addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

(2) The licensed addiction counselor may practice autonomously, independent of any other professional association or supervision.

(3) The scope of practice, in addition to any other applicable provision of this Chapter, shall include making referrals to appropriate professionals, providing counseling to family

members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

B. The board shall adopt and promulgate rules which govern licensed addiction counselors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the board as a licensed addiction counselor shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the board shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The board shall recognize as a licensed addiction counselor each candidate who:

(1) Possesses a master's degree from an accredited institution of higher education. The degree shall be in a human services or behavioral science discipline, or such other discipline or disciplines as the board may deem appropriate.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the board.

(4) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(5) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the board authorizing the board to obtain a criminal history and to conduct a criminal background check.

(6) (a) Demonstrates professional competence by passing a written examination.

(b) The board shall determine the scope and administration of the examination.

(c) The board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(d) The board shall make reasonable accommodations for those candidates

who demonstrate a special need or disability.

(7) Documents the completion of ethics training as prescribed by the board.

(8) Signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(9) Documents the completion of supervised clinical hours under conditions as shall be determined by the board. The board may require that such supervision be conducted by a certified clinical supervisor.

(10) Provides three letters of recommendation as prescribed by the board.

F. The board may prescribe such other qualifications and requirements for licensed addiction counselors as may be appropriate for the protection of the public or the enhancement of professional services provided pursuant to the authority of this Chapter.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.1. Certified addiction counselor; scope of practice

A. (1) The practice of certified addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of supervised professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

(2) (a) The certified addiction counselor may not practice independently, except when providing addiction counseling services in a prison or other custodial environment.

(b) The certified addiction counselor shall work only under the supervision of a licensed addiction counselor or qualified mental health professional.

(c) The certified addiction counselor shall register his supervisory licensed addiction counselor or qualified mental health professional with the board.

(d) Supervisory contact between the certified addiction counselor and the supervisory licensed addiction counselor or qualified mental health professional shall be regular and documented, and shall be provided to the board upon request.

(3) The certified addiction counselor may not render a diagnostic impression.

(4) The scope of practice, in addition to any other applicable provision of this

Chapter, shall include making supervised referrals to appropriate professionals, providing supervised counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

B. The board shall adopt and promulgate rules which govern certified addiction counselors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the board as a certified addiction counselor shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the board shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The board shall recognize as a certified addiction counselor each candidate who:

(1) Possesses a bachelor's degree from an accredited institution of higher education. The degree shall be in a human services or behavioral science discipline, or such other discipline or disciplines as the board may deem appropriate.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the board.

(4) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(5) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the board authorizing the board to obtain a criminal history or to conduct a criminal background check.

(6) (a) Demonstrates professional competence by passing a written examination.

(b) The board shall determine the scope and administration of the examination.

(c) The board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(d) The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(7) Documents the completion of ethics training as prescribed by the board.

(8) Signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(9) Documents the completion of supervised clinical hours under such conditions as shall be determined by the board. The board may require that such supervision be conducted by a certified clinical supervisor.

(10) Provides three letters of recommendation as prescribed by the board.

F. The board may prescribe such other qualifications and requirements for certified addiction counselors as may be appropriate for the protection of the public or the enhancement of professional services provided pursuant to the authority of this Chapter.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2006, No. 427, § 2; Acts 2016, No. 534, § 1; Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.2. Registered addiction counselor; scope of practice

A. (1) The practice of registered addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

(2) (a) The registered addiction counselor may not practice independently.

(b) The registered addiction counselor shall work only under the supervision of a licensed addiction counselor or other qualified mental health professional.

(c) The registered addiction counselor shall register his supervisory licensed addiction counselor or other qualified mental health professional with the Addictive Disorder Regulatory Authority.

(d) Supervisory contact between the registered addiction counselor and the supervisory licensed addiction counselor or qualified mental health professional shall be regular and documented, and shall be provided to the board.

(3) The registered addiction counselor may not render a diagnostic impression.

(4) The scope of practice, in addition to any other applicable provision of this Chapter, shall include making supervised referrals to appropriate professionals, providing supervised counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

B. The board shall adopt and promulgate rules which govern registered addiction counselors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the board as a registered addiction counselor shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the board shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The board shall recognize as a registered addiction counselor each candidate who:

(1) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(2) Is not in violation of any ethical standards subscribed to by the board.

(3) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(4) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the board authorizing the board to obtain a criminal history or to conduct a criminal background check.

(5) (a) Demonstrates professional competence by passing a written examination.

(b) The board shall determine the scope and administration of the examination.

(c) The board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(d) The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) Documents the completion of ethics training as prescribed by the board.

(7) Signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(8) Documents the completion of supervised clinical hours under such conditions as shall be determined by the board. The board may require that such supervision be conducted by a certified clinical supervisor.

(9) Provides three letters of recommendation as prescribed by the board.

F. The board may prescribe such other qualifications and requirements for registered addiction counselors as may be appropriate for the protection of the public or the enhancement of professional services provided pursuant to the authority of this Chapter.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2006, No. 427, § 2; Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.3. Counselor-in-training

A. The practice of addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.

B. (1) The status of counselor-in-training is intended to assist professional development by providing qualified individuals with supervised clinical counseling experience.

(2) The status of counselor-in-training is, by its very nature, temporary and it is anticipated that the individual will progress through the experience to become a licensed, certified, or registered addiction counselor.

(3) The counselor-in-training may not practice independently.

(4) The counselor-in-training may work only under the direct supervision of a licensed addiction counselor, certified addiction counselor, or registered addiction counselor; or in the absence of a licensed, certified, or registered addiction counselor, under the direction of a qualified mental health professional.

(5) The scope of practice, in addition to any other applicable provision of this Chapter, shall include making directly supervised referrals to appropriate professionals, providing directly supervised counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

C. The board shall adopt and promulgate rules which govern the status of counselor-in-training in accordance with the provisions of this Chapter.

D. Any person seeking to be recognized by the board as a counselor-in-training shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

E. Upon investigation of the application, the board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

F. The board shall recognize as a counselor-in-training each candidate who:

(1) Is a legal resident of the United States and at least eighteen years of age on the date the application is received.

(2) Is not in violation of any ethical standards subscribed to by the board.

(3) Is not now and has not been a substance abuser or compulsive gambler during the previous two years from the date the application is received.

(4) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall sign a form prescribed by the board authorizing the board to obtain a criminal history or to conduct a criminal background check.

(5) Signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(6) Provides three letters of recommendation as prescribed by the board.

G. The board may prescribe such other qualifications and requirements for counselor-in-training as may be appropriate for the protection of the public or the enhancement of professional services provided pursuant to the authority of this Chapter.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.4. Addiction treatment assistant

A. An addiction treatment assistant is a paraprofessional who serves in a supportive role within the therapeutic process. The addiction treatment assistant shall work under the direct supervision of a licensed, certified, or registered counselor in a manner prescribed by the board.

B. The board shall adopt and promulgate rules which govern addiction treatment assistants in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the board as an addiction treatment assistant shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for in this Chapter.

D. Upon investigation of the application, the board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The board shall recognize as an addiction treatment assistant each candidate who:

(1) Is a legal resident of the United States and at least sixteen years of age on the date the application is received.

(2) Is not in violation of any ethical standards subscribed to by the board.

(3) Is not and has not been a substance abuser or compulsive gambler during the previous six months from the date the application is received.

(4) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate, or at least one parent or legal guardian of a candidate in the case of an unemancipated minor, shall sign a form prescribed by the board authorizing the board to obtain a criminal history or to conduct a criminal background check.

(5) Signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(6) Provides three letters of recommendation as prescribed by the board.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.5. Certified clinical supervisor

A. The legislature finds that addiction counseling is an effective and necessary component in the continuum of addictive disorder treatment and services. In order to better provide for the health and welfare of the citizens of this state, the legislature desires to enhance the profession of addiction counseling by providing for a qualified workforce in sufficient numbers to meet the needs of those individuals within the state who suffer from treatable addictive disorders or are affected by addictive disorders. The legislature finds clinical supervision to be essential for the ongoing

development of a qualified workforce sufficient to meet the present and anticipated public health needs of the state.

B. The board shall adopt and promulgate rules which shall provide for the certification of clinical supervisors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the board as a certified clinical supervisor shall first complete clinical supervision training approved by the board. The candidate may then submit an application on a form and in a manner prescribed by the board. Documentation of the clinical supervision training shall accompany the application.

D. Upon investigation of the application, the board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The board shall recognize as a certified clinical supervisor each candidate who:

(1) Is a licensed, certified, or registered addiction counselor or holds a specialty substance abuse certification in another professional discipline in a human services field at the masters level or higher.

(2) Is not in violation of any ethical standards subscribed to by the board.

(3) Does not have any pending disciplinary action with the board.

(4) Is not a defendant in any pending felony criminal proceedings.

(5) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony.

F. Each clinical supervisor candidate must sign a form prescribed by the board authorizing the board to obtain a criminal history or to conduct a criminal background check.

G. (1) Each applicant shall demonstrate professional competence in clinical supervision by passing a written examination.

(2) The board shall determine the scope and administration of the examination.

(3) The board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(4) The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

H. The scope of clinical supervision for a certified clinical supervisor shall be as follows:

(1) A licensed addiction counselor certified in clinical supervision may provide clinical supervision for any other licensed addiction counselor, for any certified addiction counselor, for any registered addiction counselor, for any counselor-in-training, or for any addiction treatment assistant.

(2) A certified addiction counselor who is also certified in clinical supervision may provide clinical supervision for any certified addiction counselor, for any registered addiction counselor, for any counselor-in-training, or for any addiction treatment assistant.

(3) A registered addiction counselor who is also certified in clinical supervision may provide clinical supervision for any registered addiction counselor, for any counselor-in-training, or for any addiction treatment assistant.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.6. Certified compulsive gambling counselor

A. The legislature finds that addiction counseling is an effective and necessary component in the continuum of addictive disorder treatment and services. In order to better provide for the health and welfare of the citizens of this state, the legislature desires to enhance compulsive gambling counseling services by providing for a certification for compulsive gambling counselors.

B. The board shall adopt and promulgate rules which shall provide for the certification of compulsive gambling counselors in accordance with this Chapter.

C. Any person seeking to be recognized by the board as a certified compulsive gambling counselor shall hold the valid and current necessary credential of licensed, certified, or registered addiction counselor or hold the valid and current necessary credential of a qualified mental health professional. In addition, the candidate shall complete the minimum educational hours provided for in this Chapter. Any candidate holding the necessary credential who has completed the educational hours required may submit an application on a form and in a manner prescribed by the board. Documentation of the necessary credential and completion of the required educational hours shall accompany the application. The application shall also be accompanied by a fee as provided for in this Chapter.

D. Upon investigation of the application, the board shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If the application is rejected, the notice shall state the reason for such rejection.

E. The board shall recognize as a certified compulsive gambling counselor each candidate

who:

(1) Is a licensed, certified, or registered addiction counselor, or who is a qualified mental health professional.

(2) Is not in violation of any ethical standards subscribed to by the board.

(3) Does not have any pending disciplinary action with the board, or, in the case of a qualified mental health professional, with the appropriate regulatory board.

(4) Is not a defendant in any pending felony criminal proceedings.

(5) Has successfully completed a minimum of sixty educational hours, approved by the board, specific to addiction.

(6) Has successfully completed a minimum of thirty educational hours, approved by the board, specific to gambling addiction.

(7) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony.

F. Each compulsive gambling counselor candidate shall sign a form prescribed by the board authorizing the board to obtain a criminal history or to conduct a criminal background check.

G. (1) Each applicant shall demonstrate professional competence in compulsive gambling counseling by passing a written examination.

(2) The board shall determine the scope and administration of the examination.

(3) The board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(4) The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

H. The scope of practice for a certified compulsive gambling counselor shall be consistent with the scope of practice for the necessary credential supporting the certification. A certified compulsive gambling counselor may not practice or provide gambling counseling services to any member of the public or hold himself out as a compulsive gambling counselor without a valid and current necessary credential as provided for in this Chapter.

I. The board shall revoke the certification for gambling counseling of any person who does not maintain the valid and current necessary credential of licensed, certified, or registered addiction

counselor or qualified mental health professional.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.10. Licensed prevention professional

A. Licensed prevention professional is a practice credential. The licensed prevention professional may practice autonomously, independent of any other professional association or supervision. The scope of practice affords the licensed prevention professional the flexibility of working in a variety of settings that support competency-based levels of knowledge, skills, and attitudes. Prevention can range from working with specific and varied populations to mobilizing communities and advocating for healthy behaviors. In the exercise of his scope of practice, the licensed prevention professional shall adhere to the requirements of the state strategic prevention plan and shall do nothing inconsistent with or in derogation of that plan.

B. Any person seeking to be recognized by the board as a licensed prevention professional shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee of not less than one hundred dollars nor more than three hundred dollars. The license shall be renewed every two years and shall be accompanied by a fee for renewal of not less than one hundred dollars nor more than three hundred dollars.

C. Upon investigation of the application, the board shall, within forty-five days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

D. The board shall recognize as a licensed prevention professional each candidate who:

(1) Possesses, at a minimum, a master's degree from an accredited institution of higher education and documents one year of board-approved prevention experience.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the board.

(4) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide the board with a certified criminal history.

(5) (a) Demonstrates professional competence by passing a written examination.

(b) The board shall determine the scope and administration of the examination.

(c) The board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(d) The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) Documents completion of any ethics training required by the board and signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(7) Documents having successfully completed any training prescribed by the board. Training as contemplated in this Chapter may include educational as well as experiential components.

(8) Provides three letters of recommendation as prescribed by the board.

E. The licensed prevention professional is a practice credential and, to the extent possible, it shall be governed by existing rules, including but not limited to those applicable to the application for and renewal of prevention practice credentials. The board may adopt and promulgate such additional rules as may be necessary and may prescribe such other qualifications and requirements for licensed prevention professionals as may be appropriate for the protection of the public or the enhancement of professional services provided pursuant to the authority of this Chapter.

Added by Acts 2006, No. 427, § 2. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.11. Certified prevention professional

A. Certified prevention professional is a practice credential. The scope of practice affords the certified prevention professional the flexibility of working in a variety of settings that supports competency-based levels of knowledge, skills, and attitudes. Prevention can range from working with specific and varied populations to mobilizing communities and advocating for healthy behaviors. In the exercise of his scope of practice, the certified prevention professional shall adhere to the requirements of the state strategic prevention plan and shall do nothing inconsistent with, or in derogation of, that plan.

B. Any person seeking to be recognized by the board as a certified prevention professional shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee of not less than one hundred dollars nor more than three hundred dollars. The certification shall be renewed every two years and shall be accompanied by a fee for renewal of not less than one hundred dollars nor more than three hundred dollars.

C. Upon investigation of the application, the board shall, within forty-five days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

D. The board shall recognize as a certified prevention professional each candidate who:

(1) Possesses a bachelor's degree from an accredited institution of higher education and documents two years of board-approved prevention experience.

(2) Is a legal resident of the United States and at least twenty-one years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the board.

(4) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide the board with a certified criminal history.

(5) (a) Demonstrates professional competence by passing a written examination.

(b) The board shall determine the scope and administration of the examination.

(c) The board may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

(d) The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) Documents completion of any ethics training required by the board and signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(7) Documents having successfully completed any training prescribed by the board. Training as contemplated in this Chapter may include educational as well as experiential components.

(8) Provides three letters of recommendation as prescribed by the board.

E. The certified prevention professional is a practice credential and, to the extent possible, it shall be governed by existing rules, including but not limited to those applicable to the application for and renewal of prevention practice credentials. The board may adopt and promulgate such additional rules as may be necessary and may prescribe such other qualifications and requirements for certified prevention professionals as may be appropriate for the protection of the public or the

enhancement of professional services provided pursuant to the authority of this Chapter.

Added by Acts 2006, No. 427, § 2. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.12. Registered prevention professional

A. Registered prevention professional is a practice credential. The scope of practice affords the registered prevention professional the flexibility of working in a variety of settings that supports competency-based levels of knowledge, skills, and attitudes. Prevention can range from working with specific and varied populations to mobilizing communities and advocating for healthy behaviors. In the exercise of his scope of practice, the registered prevention professional shall adhere to the requirements of the state strategic prevention plan and shall do nothing inconsistent with or in derogation of that plan.

B. Any person seeking to be recognized by the board as a registered prevention professional shall submit an application to the board on a form and in a manner as the board shall prescribe. The initial application form shall be accompanied by an initial application fee of not less than one hundred dollars nor more than three hundred dollars. The registration shall be renewed every two years and shall be accompanied by a fee for renewal of not less than one hundred dollars nor more than three hundred dollars.

C. Upon investigation of the application, the board shall, within forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

D. The board shall recognize as a registered prevention professional each candidate who:

(1) Possesses a high school diploma or its equivalent and documents three years of board-approved prevention experience.

(2) Is a legal resident of the United States and at least eighteen years of age on the date the application is received.

(3) Is not in violation of any ethical standards subscribed to by the board.

(4) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide the board with a certified criminal history.

(5) (a) Demonstrates professional competence by passing a written examination.

(b) The board shall determine the scope and administration of the examination.

(c) The board may provide for circumstances under which a candidate who fails the examination but who meets all other requirements may retake the examination.

(d) The board shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) Documents completion of any ethics training required by the board and signs a form of professional and ethical accountability and responsibility as prescribed by the board.

(7) Documents having successfully completed any training prescribed by the board. Training as contemplated in this Chapter may include educational as well as experiential components.

(8) Provides three letters of recommendation as prescribed by the board.

E. The registered prevention professional is a practice credential and, to the extent possible, it shall be governed by existing rules, including but not limited to those applicable to the application for and renewal of prevention practice credentials. The board may adopt and promulgate such additional rules as may be necessary and may prescribe such other qualifications and requirements for registered prevention professionals as may be appropriate for the protection of the public or the enhancement of professional services provided pursuant to the authority of this Chapter.

Added by Acts 2006, No. 427, § 2. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3387.14. Certified prevention supervisor

A. The legislature finds that prevention is an effective and necessary component in the continuum of addictive disorder treatment and services. In order to better provide for the health and welfare of the citizens of this state, the legislature desires to enhance the profession of prevention by providing for a qualified workforce in sufficient numbers to meet the needs of Louisiana and to contribute to the development of healthy communities within the state. The legislature finds prevention supervision to be essential for the ongoing development of a qualified workforce sufficient to meet the present and anticipated public health needs of the state.

B. The board shall adopt and promulgate rules which shall provide for the certification of prevention supervisors in accordance with the provisions of this Chapter.

C. Any person seeking to be recognized by the board as a certified prevention supervisor shall submit an application on a form and in a manner prescribed by the board. The application shall be accompanied by a fee of not less than one hundred dollars nor more than three hundred dollars. The fee for renewal shall be not less than one hundred dollars nor more than three hundred dollars.

D. Upon investigation of the application, the board shall, within thirty days, notify each

candidate that the application is satisfactory and accepted or unsatisfactory and rejected. If an application is rejected, the notice shall state the reason for such rejection.

E. The board shall recognize as a certified prevention supervisor each candidate who:

(1) Holds a valid and current credential as a licensed or certified prevention professional.

(2) Is not in violation of any ethical standards subscribed to by the board.

(3) Does not have any pending disciplinary action with the board.

(4) Is not a defendant in any pending felony criminal proceedings.

(5) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony. However, the board may, in its discretion, waive this requirement upon review of the individual's circumstances. Each candidate shall provide a certified criminal history.

(6) Satisfies such other requirements as the board may establish, including but not limited to receiving specialized training, obtaining specialized experience, and passing an examination. In the event the board requires an examination, the fee for administering the examination shall be in an amount sufficient to cover the cost of administering the examination, but shall not be less than fifty dollars nor more than two hundred dollars.

Added by Acts 2006, No. 427, § 2. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3388. License, certification, registration renewal

A. Each licensed, certified, and registered addiction counselor shall renew his credentials every two years.

B. Within the two-year period provided for in Subsection A of this Section, each licensed, certified, and registered addiction counselor shall provide to the board documentation of successfully completing forty-eight board-approved continuing educational hours.

C. The documentation required by Subsection B of this Section shall be provided on a form and in a manner prescribed by the board.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2020, No. 328, § 2.

§ 3388.1. Counselor-in-training renewal

A. Each counselor-in-training may renew his status every twelve months. Each renewal shall

be for a twelve-month period.

B. Within the twelve-month period provided for in Subsection A of this Section, each counselor-in-training shall provide to the board documentation of successfully completing a minimum of twenty board-approved continuing educational hours or documentation that the counselor-in-training has been actively engaged in pursuing a degree from an accredited institution of higher learning in a human services or behavioral science discipline, or such other discipline or disciplines as the board may designate.

C. The documentation required by Subsection B of this Section shall be provided on a form and in a manner prescribed by the board.

D. Failure to renew his status shall not disqualify an individual from re-applying for counselor-in-training status.

E. Individuals who, prior to July 8, 2004, had never maintained counselor-in-training status and who, after July 8, 2004, make their initial application for, and are granted, counselor-in-training status, shall be allowed to maintain the counselor-in-training status for an aggregate period not to exceed seventy-two months.

F. Individuals who, at any time prior to July 8, 2004, had maintained counselor-in-training status for an aggregate period equal to or less than sixty months, and who, after July 8, 2004, renew or re-apply for that status, shall be allowed to maintain the counselor-in-training status for an aggregate period not to exceed seventy-two months. In calculating the seventy-two month aggregate period provided for herein, the time in status prior to July 8, 2004 shall be included.

G. Individuals who, at any time prior to July 8, 2004, had maintained counselor-in-training status for an aggregate period in excess of sixty months, shall be allowed to renew or re-apply for counselor-in-training status for an additional twelve-month period.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2020, No. 328, § 2.

§ 3388.2. Clinical supervision, prevention supervision, and compulsive gambling counselor certification renewal

A. The certification for clinical supervision, prevention supervision, and compulsive gambling counselor shall be renewed every twenty-four months.

B. Within the twenty-four-month period provided for in Subsection A of this Section, each clinical supervisor, prevention supervisor, and compulsive gambling counselor shall provide to the board documentation of successfully completing a minimum of eight board-approved continuing educational hours for each certificate being renewed. Such hours shall be directly related to the area of certification.

C. The documentation required by Subsection B of this Section shall be provided on a form and in a manner prescribed by the board.

D. The board may prescribe such other requirements for clinical supervision, prevention supervision, and compulsive gambling counselor certification renewal as may be appropriate for the protection of the public or the enhancement of professional services provided under the authority of this Chapter.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2006, No. 427, § 2; Acts 2020, No. 328, § 2.

§ 3388.3. Applicability

A. It is the intent of the legislature that there be a single authority issuing credentials for addictive disorder counseling and prevention professionals in Louisiana. The authority for issuing and recognizing credentials for professionals engaged in the providing of counseling and prevention services for those who suffer from addictive disorders shall be the Addictive Disorder Regulatory Authority.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2020, No. 328, § 2.

§ 3390. Prohibited practice; injunctive relief

A. No one may hold himself out as having a credential or status authorized by the provisions of this Chapter who is not so recognized by the board.

B. The credential or status of anyone who fails to timely renew a status or credential authorized by this Chapter shall be deemed suspended unless and until renewed or reinstated as provided for by the board. Any person whose status or credential is suspended shall be prohibited from exercising the scope of practice provided for in this Chapter relative to the suspended credential or status.

C. The board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provisions of this Chapter. Failure of the board to seek an injunction shall not constitute a waiver nor confer upon any person violating the provisions of this Chapter a right to engage in such conduct.

D. In any suit for injunction, the board may impose on the defendant a penalty of not less than one hundred dollars nor more than one thousand dollars and attorney fees and court costs. The judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made absolute.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328,

§ 2.

§ 3390.1. Persons and practices not affected

A. Nothing in this Chapter shall be construed as preventing or restricting practice, services, or activities of any person licensed or certified in this state, by any other law, from engaging in the profession or occupation for which he is licensed or certified.

B. Nothing in this Chapter shall be construed as prohibiting other licensed professionals, including members of the clergy and Christian Science practitioners, from the delivery of medical, psychotherapeutic, counseling, social work, psychological, or educational services to substance abusers and their families.

C. Nothing in this Chapter shall be construed as prohibiting the activities of any person recognized as a counselor or prevention specialist-in-training by the board, and employed or supervised in the manner prescribed by the board, from carrying out specific tasks under professional supervision. The person supervised shall not represent himself to the public as having any credential or status which the board does not recognize him as having.

D. Nothing in this Chapter shall be construed as prohibiting the activities of any student in an accredited educational institution from carrying out activities that are part of the prescribed course of study, provided such activities are authorized by this Chapter or by the board. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2020, No. 328, § 2.

§ 3390.2. Reciprocity; other states

The board may recognize, grant, or issue any credential or status authorized by this Chapter, and without examination in this state, to any applicant holding a valid credential or status recognized or issued in another state, provided the board determines that the credential or status in question is based upon an examination or other requirements substantially equivalent to the requirements of this Chapter and such other requirements as may be prescribed by the board in accordance with the provisions of this Chapter. The board shall have the authority to determine which status or credential, and corresponding scope of practice, authorized by this Chapter should be allowed to an individual seeking reciprocity.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

A. The board shall have the power to deny, revoke, or suspend any credential, specialty certification, status, or other recognition authorized by this Chapter. In addition, the board is authorized to impose and collect an administrative fee not to exceed five hundred dollars per violation or otherwise discipline any person holding a credential, specialty certification, status, or recognition authorized by this Chapter who:

(1) Has been convicted of any offense which constitutes a felony under the laws of this state, whether or not the conviction was in a court in this state. "Conviction", as used herein, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere.

(2) Has been declared insane or incompetent by a court of law.

(3) Violates any provision of the ethical standards to which the board subscribes.

(4) Attempts to practice medicine, psychology, or social work without being licensed in such professions.

(5) Is impaired in delivery of professional services because of substance use disorder, compulsive gambling, or because of medical or psychiatric disability.

(6) Without authority provides drugs or other restricted chemical substances to another person.

(7) Allows a credential or status issued by the board to be used by a person other than the one to whom the credential or status was issued.

(8) Engages in sexual misconduct with a client or a family member of a client.

(9) Obtained a credential or status by means of fraud, misrepresentation, or concealment of material facts.

(10) Has been found guilty of fraud or deceit in connection with services rendered.

(11) Has been grossly negligent in practice as a licensed, certified, or registered professional, professional in training, or assistant, as provided for in this Chapter.

(12) Has violated any lawful order, rule, or regulation rendered or adopted by the board.

(13) Has violated any provision of this Chapter.

(14) Has had his certificate or registration to practice disciplined by another state, territory, or district of the United States.

(15) Has been found guilty of unprofessional conduct, including departing from, or failing to conform to, the minimal standards of acceptable and prevailing practice. Actual injury to a client need not be established.

B. The board shall adopt rules and procedures establishing a disciplinary process which shall, at a minimum, comply with the following:

(1) Any person whose credential or status is sought to be disciplined in accordance with the provisions of this Chapter shall be given thirty days notice in writing enumerating the charges and specifying the date for a hearing before the board conducted in accordance with applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

(2) In connection with any hearing, the board may issue subpoenas, compel the attendance and testimony of witnesses, and administer oaths in the same manner as a district court in the parish wherein the hearing takes place.

(3) A stenographic or audio record of all disciplinary proceedings before the board shall be made and upon payment by the requesting party a transcript kept on file with the board.

(4) If the board finds that public health, safety, and welfare requires emergency action and incorporates a finding to that effect in its order, a summary suspension of a license, certificate, or registration may be ordered pending proceedings for disciplinary action. Such proceedings shall be promptly instituted and determined pursuant to rule.

C. Any person aggrieved by a decision of the board in a disciplinary hearing may appeal the decision within thirty days to the district court for the parish wherein the hearing was held pursuant to the Administrative Procedure Act.

D. In addition to the disciplinary action or fines assessed by the board, the board may assess all costs incurred in connection with the proceedings including but not limited to investigation, court reporting, attorney fees, and court costs.

E. The board, in its discretion, may maintain the confidentiality of an individual licensee, registrant, or certificate holder who violates a provision of this Chapter whenever the board determines that the public interest will be best served by alternatives to the disciplinary process.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2005, No. 368, § 1; Acts 2018, No. 206, § 3; Acts 2020, No. 328, § 2.

§ 3390.4. Confidentiality

No person holding a credential or status recognized by the board and authorized by this Chapter may disclose any information he may have acquired from persons consulting him in his professional capacity where the information was necessary to enable him to render services to those persons except:

(1) With the written consent of the client, or in the case of death or disability, with the written consent of his personal representative, other persons authorized to sue, or the beneficiary of any insurance policy on his life, health, or physical condition.

(2) When the person is a minor under the age of eighteen and the information acquired indicates that the child was the victim or subject of a crime, then, the person having received the information may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is a subject of inquiry, unless otherwise prohibited by law.

(3) When the person is a minor under the age of eighteen and the information acquired shall be disclosed pursuant to any law which mandates the reporting of certain information relative to minors and the persons or agencies to whom the information shall be disclosed.

(4) When, unless otherwise prohibited by law, a communication reveals the contemplation of a crime or harmful act.

(5) When the person waives the privilege by filing a complaint with the board or otherwise invokes the jurisdiction of the board.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2020, No. 328, § 2.

§ 3390.5. Penalties

Whoever violates any provision of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment for not more than six months, or both.

Acts 2004, No. 803, § 3, eff. July 8, 2004.

§ 3390.6. Addictive disorders professionals; fees and penalties

A. The board shall, by rule, adopt a schedule of fees and penalties to be charged relative to the issuance of licenses and certifications provided for in this Chapter.

B. The board may impose and collect the following fees:

(1) Each application for a licensed addiction counselor, certified addiction counselor, or registered addiction counselor shall be accompanied by a fee prescribed by the board. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than one hundred dollars nor more than three hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than one hundred dollars nor more than three hundred dollars. The renewal fee for a licensed addiction counselor, certified addiction counselor, or registered addiction counselor shall not be less than one hundred dollars nor more than three hundred dollars.

(2) Each application for a certified prevention specialist or registered preventionist shall be accompanied by a fee prescribed by the board. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than one hundred dollars nor more than three hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than one hundred dollars nor more than three hundred dollars. The renewal fee for a certified prevention specialist or registered preventionist shall not be less than one hundred dollars nor more than three hundred dollars.

(3) Each application for a certified clinical supervisor or certified compulsive gambling counselor shall be accompanied by a fee prescribed by the board. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than fifty dollars nor more than two hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than fifty dollars nor more than two hundred dollars. The renewal fee for a certified clinical supervisor or certified compulsive gambling counselor shall not be less than one hundred dollars nor more than three hundred dollars.

(4) Each application for a counselor-in-training or prevention specialist-in-training shall be accompanied by a fee prescribed by the board. The fee shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than twenty-five dollars nor more than one hundred dollars. The renewal fee for a certified clinical supervisor or certified compulsive gambling counselor shall not be less than twenty-five dollars nor more than one hundred dollars.

(5) Each application for an addiction treatment assistant shall be accompanied by a fee prescribed by the board. The fee for processing the application shall be in an amount at least sufficient to cover the cost of processing the application, but shall not be less than twenty-five dollars nor more than one hundred dollars. The fee for administering the written examination shall be in an amount at least sufficient to cover the cost of administering the written examination, but shall not be less than twenty-five dollars nor more than one hundred dollars. The renewal fee for an addiction treatment assistant shall not be less than twenty-five nor more than one hundred dollars.

(6) The board may require that each application or request for a copy of any roster maintained pursuant to R.S. 37:3386.3(A)(9) be accompanied by a fee of not less than one hundred dollars nor more than three hundred dollars.

(7) Each training or educational institute, provider, or institution shall pay a fee of not less than two hundred nor more than two hundred fifty dollars to the board in order to be authorized to provide approved education, training, and courses. Such authorization shall be valid for a period of one year. For those education providers who elect not to seek annual approval, the board is authorized to impose and collect a fee of not less than one hundred nor more than one hundred fifty dollars for each course approved. In addition, all providers submitting course reports shall pay a fee of not less than one nor more than five dollars per participant.

(8) Any person seeking approval of continuing education credit when those credits were not approved pursuant to Paragraph (7) of this Subsection, shall pay a fee of not less than twenty-five dollars nor more than fifty dollars for each fifteen hours of continuing education credit.

Acts 2004, No. 803, § 3, eff. July 8, 2004. Amended by Acts 2005, No. 368, § 1; Acts 2012, No. 834, § 7, eff. July 1, 2012; Acts 2020, No. 328, § 2.